

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

LEONOR GONZALEZ,

Plaintiff,

v.

Case No: 6:20-cv-2405-GKS-PDB

**ACTING COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

ORDER

THIS CAUSE comes before the Court upon Defendant's, the Acting Commissioner of Social Security's, Unopposed Motion for Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g). (Doc. 25) (Motion). Defendant explains that

[r]emand is requested because the agency anticipates revising its internal procedures for conducting redetermination hearings under sections 205(u) of the [Social Security] Act so as to provide beneficiaries with the opportunity to object to the exclusion of evidence that [Office of Inspector General] ... has identified as suspect and to allow an ALJ to determine if the evidence should be disregarded under the "reason to believe" standard described in 42 U.S.C. § 405(u)(1)(B). Once those procedures have been finalized, Plaintiff will have the opportunity to submit additional evidence in support of her claim and the agency will provide the opportunity for

a hearing before an Administrative Law Judge (ALJ) in accordance with the agency's updated administrative procedures.

(Doc. 25:1). Defendant has also proposed *inter alia* reinstatement of Plaintiff's benefits subject to repayment (Doc. 25:2-3). Plaintiff Gonzalez has no objection.

(Doc. 25:2). The Court referred the Motion to the United States Magistrate Judge for a report and recommendation (Report and Recommendation).

On November 4, 2021, the United States Magistrate Judge issued a Report and Recommendation, (Doc. 26), recommending that Defendant's Motion be granted.

After review and consideration of the Report and Recommendation, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Patricia D. Barksdale's Report and Recommendation, (Doc. 26), is **APPROVED and ADOPTED** and is made part of this Order for all purposes, including appellate review.

2. The Acting Commissioner's Unopposed Motion for Entry of Judgment with Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g), (Doc. 25), is **GRANTED**.


3. The agency decision is **REVERSED** under sentence four of 42 U.S.C. § 405(g).

4. The case is **REMANDED** for the Acting Commissioner to provide Plaintiff Gonzalez “the opportunity to submit additional evidence in support of her claim ... [and] for a hearing before an [ALJ] in accordance with the agency’s updated administrative procedures.”

Additionally, the Acting Commissioner is **ORDERED** to (1) reinstate Plaintiff’s benefits, subject to the agency’s rules on eligibility for payment, from the date the agency previously terminated such benefits, (2) continue to pay benefits until the ALJ issues a new decision in Plaintiff’s case, subject to the agency’s rules on eligibility for payment, and (3) suspend the overpayment collection process for any overpayment that may have accrued as a result of the redetermination of Plaintiff’s entitlement to benefits under section 205(u) of the Act until the ALJ issues a new decision after a hearing. If the ALJ’s new decision finds Plaintiff not entitled to benefits during the relevant period, the Commissioner may terminate such entitlement and may treat the benefits previously received, including those ordered by this Court, as overpayments.

5. The Clerk of Court is **DIRECTED** to enter **Judgment**
in favor of Plaintiff, Leonor Gonzalez, and against Defendant,
Acting Commissioner of Social Security and **CLOSE** this case.

DONE AND ORDERED at Orlando, Florida, this 6 day of
November, 2021.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record
Unrepresented Parties